IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 26959 of 2007(H)

PETITIONER:

E.P.MOIDU, ILLATH PEEDIKAYIL HOUSE,
P.O.AROOR, VIA.KAKKATTIL,
KOZHIKODE DIST.

BY ADV. SRI.C.VALSALAN
SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V
SRI.BIJU J.THADIKKAL

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
VYDUTHI BHAVAN, TRIVANDRUM,
REP. BY ITS SECRETARY.

2. THE DEPUTY CHIEF ENGINEER, ELECTRICAL
CIRCLE, VADAKARA, VADAKARA(POST),
KOZHIKODE DIST.

3. EXECUTIVE ENGINEER, K.S.E.B.,
VADAKARA, KOZHIKODE DIST.

4. ASST. ENGINEER, K.S.E.B, AYANCHERRY
ELECTRICAL SECTION, POST AAYANCHERRY,
KOZHIKODE DIST.

5. THE TAHSILDAR, REVENUE RECOVERY,
MINI CIVIL STATION, VADAKARA.

R1 TO 4 BY ADV. SRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.26959 of 2007

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Dated this the 11th day of September, 2007.

JUDGMENT

The petitioner's case is that the connection in respect of which demand is raised was taken for construction of a mosque. The petitioner was admittedly Secretary of the managing committee for one year. If petitioner was Secretary and connection was given in the name of the petitioner representing the mosque, recovery should be from the present managing committee or from the mosque. The W.P. is therefore disposed of directing the 4th respondent to verify the records pertaining to connection given, issue notice to the present managing committee of the mosque and to the petitioner and consider whether petitioner was only representing the managing committee and if so, to issue fresh notice demanding the arrears from the mosque committee and if payment is not made, recovery will be recommended against the said consumer. The 4th respondent should issue fresh proceeding to the 5th respondent within three weeks from today. There will be direction to 5th respondent to withhold recovery proceedings for three weeks. Recovery thereafter will be based on orders issued as above. The petitioner will produce copy of this judgment before the 4th

respondent and also before the present managing committee of the mosque for them to represent the matter before the 4th respondent when he issues notice to them. If petitioner is liable as consumer individually, then recovery can be made against the petitioner subject to his right to recover the amount from the beneficiary if he has any such case.

C.N.RAMACHANDRAN NAIR
Judge

pms